

REMARKS

Interviews:

Applicants would like to express their appreciation to Examiner Roark, Examiner Gambel, and Examiner Hutzell for the courtesy extended to Angela Dallas and to Gary Connell in the telephone interview of June 18, 2002, and again to Angela Dallas in the telephone interview of July 2, 2002. Applicants would also like to express their appreciation to Examiners Roark and Gambel for the courtesy extended to Angela Dallas and Dr. John Cambier during the personal interview on February 5, 2002. During these interviews, the rejections under 35 U.S.C. § 102(b) and § 103 were discussed, with particular regard to the primary reference of Nakamura et al. During the telephone interview of June 18, 2002, the Examiners suggested an amendment to Claim 1 that is believed to have clarified the claim and overcome the rejections in view of Nakamura et al.

Amendment to Claim 1:

Claim 1 has been amended in the manner suggested by Examiners Roark, Gambel and Hutzell during the telephone interview of June 18, 2002. Support for this amendment is found in the specification on page 15, line 19 to page 16, line 2.

Other Amendments:

Claims 1, 4, 5, 6, 12, 21, and 33 have been amended in a manner intended to clarify the claim language pursuant to a suggestion by the Examiner. Specifically, since the membrane Ig (mIg) is synonymous with the extracellular ligand binding component with respect to a B cell antigen receptor, the claims have been amended to remove the extraneous language. Claim 12 has been rewritten in independent form at the suggestion of the Examiner.

Amendment to the Specification:

Applicants have amended the specification to insert the reference to government support for the above-identified invention. This reference was inadvertently omitted from the original filing and

Applicants have asked the undersigned agent to amend the specification as shown. The amendment is a formality and not a substantive issue, and therefore does not add new matter.

Rejection of Claims 1, 4-6, 10, 18 and 33 Under 35 U.S.C. § 102(b):

The Examiner has rejected Claims 1, 4-6, 10, 18 and 33 under 35 U.S.C. § 102(b), contending that these claims are anticipated by Nakamura et al.

In view of the interviews conducted on February 5 and June 18, 2002 and the Examiners' suggestion to amend Claim 1 as shown, it is believed that the amendment clarifies the claim in a manner that overcomes the rejection under 35 U.S.C. § 102(b). Therefore, Applicants respectfully request that the Examiner withdraw this rejection.

Rejection of Claims 1, 4-6, 9-10, 18-19, 21-22, 30-31 and 33 Under 35 U.S.C. § 103:

The Examiner has rejected Claims 1, 4-6, 9-10, 18-19, 21-22, 30-31 and 33 under 35 U.S.C. § 103, contending that these claims are unpatentable over Ways et al. in view of Nakamura et al. and further in view of Vilen et al.

As discussed above, Applicants believe that the amendment to the claim clarifies the claim and distinguishes the antibody of Nakamura et al. from the antibody recited in the present claims. Ways et al. and Vilen et al. each fail to teach an antibody, as the Examiner has previously acknowledged, and therefore, the combination does not teach each and every aspect of the invention. Moreover, for the reasons set forth in the prior responses, Applicants submit that there is no motivation provided by any of the references to substitute an antibody into the method of Ways et al. Therefore, Applicants respectfully request that the Examiner withdraw this rejection.

Applicants have attempted to address the Examiner's remaining concerns and submit that the claims are in a condition for allowance. In the event that there are any further questions regarding Applicants' position, the Examiner is encouraged to contact the below-named agent at (303) 863-9700.

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Respectfully submitted,

SHERIDAN ROSS P.C.

By:

Angela Dallas

Angela K. Dallas

Registration No. 42,460

1560 Broadway, Suite 1200

Denver, CO 80202-5141

(303) 863-9700

Date:

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